

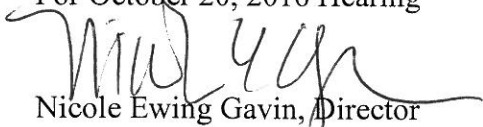


# MEMORANDUM

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TO: Jim Mazzocco  
Zoning Examiner

DATE: October 4, 2016  
For October 20, 2016 Hearing

FROM:   
Nicole Ewing Gavin, Director  
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE  
PLANNING & AND DEVELOPMENT SERVICES REPORT  
SE-16-101 Verizon – Camino Seco, R-3 (Ward 2)

**Issue** – This is a request by Nancy Smith of In Command Communications, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located on the west side of Camino Seco approximately 600 feet south of Old Spanish Trail (See Case Location Map). The preliminary development plan (PDP) proposes a wireless communication tower with twelve antenna panels in three sectors concealed within an artificial palm tree (monopalm), 50 feet in height as measured to the top of the artificial palm fronds. The monopalm will be placed within a 18-foot by 18-foot lease area near the east edge of the 4.05-acre parcel, in R-3 zoning and the ground equipment, with no backup generator, will be located in an 18-foot by 34-foot lease area near the northeast corner of the parcel, approximately 120 feet north of the monopalm. The current land use of the subject property is multi-family housing (an apartment complex).

A communications use of this type in the R-3 zone is subject to Section 4.9.4.I.6.a of the Unified Development Code (UDC) and requires approval through a Zoning Examiner Special Exception Procedure, in accordance with UDC Section 3.4.3. A public hearing before the Zoning Examiner is required. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use. The Zoning Examiner may also forward the request to the Design Review Board (DRB) for design review and recommendation.

The proposed special exception is considered under the requirements of a Zoning Examiner Special Exception Procedure because the tower and antennas will not exceed 50 feet in height, the tower is concealed or disguised, and because the facility is setback at least two times the height of the structure from the boundary of any adjacent property zoned residential or office, as required by the UDC.

**Planning & Development Services Department Recommendation** – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

**Background Information**

Existing Land Use: Multi-family residential

**Zoning Descriptions**

R-3: This zone provides for medium density, single-family and multi-family, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

**Surrounding Zones and Land Uses:**

North: Zoned R-3; vacant parcel

South: Zoned R-1; single-family residential

East: Zoned R-3; single-family residential condominiums and townhomes

West: Zoned R-1; single-family residential

Previous Cases on the Property: none

**Related Cases:**

SE-15-30 T-Mobile – Tanque Verde Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 50 feet in height and associated equipment as a special exception land use in the C-1 zone. The special exception site is located approximately 410 feet west of Bear Canyon Road ROW and 585 feet north of the Tanque Verde Road ROW. On August 27, 2015, the Zoning Examiner approved the special exception.

SE-15-14 Verizon - Grant Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 60 feet in height and associated equipment as a special exception land use in the C-1 zone. The special exception site is located 95 feet north of Grant Road and 67 feet west of Columbus Boulevard. On July 7, 2015, the Mayor and Council adopted Ordinance No. 11288, allowing the special exception.

**Applicant's Request** – The applicant requests special exception approval for the placement of a 50-foot high cellular communications monopole disguised as a palm tree with associated equipment in the eastern portion of a parcel developed with an apartment complex.

### **Planning Considerations**

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. Commercial Policy 1 of *PEAP* supports commercial developments in appropriate locations in the area along arterial streets when adjacent uses are adequately buffered. Commercial Policy 2 of *PEAP* supports the integration of adjoining commercial uses and should be designed to be in harmony with adjacent residential uses.

*Plan Tucson* identifies this area in the Future Growth Scenario Map as an existing neighborhood and supports new services and amenities that contribute further to neighborhood stability. Policy LT28.1.2 requires that, if possible, wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. The applicant states that the proposed wireless communication facility will help improve telecommunication services in the surrounding neighborhoods.

The special exception site is currently developed as an apartment complex R-3 residential zoning. To the east across Camino Seco are townhomes in the R-3 residential zone, to the north is a vacant parcel, also zoned R-3. To the south across Kenyon Drive are single family residential uses in the R-1 residential zone, and to the west are single-family residential uses in the R-1 residential zone.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

### **Design Considerations**

Land Use Compatibility – The proposed monopalm will include four antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopalm showing the antennas concealed by the artificial branches of the monopalm. Faux dead palm fronds are proposed below the artificial frond crown of the monopalm to conceal/disguise any additional antennas at time of future collocation.

The monopalm will be visible from the surrounding residential development, as well as from adjacent streets. The monopalm will be set back approximately 20 feet from the west edge of the Camino Seco right-of-way and approximately 600 feet from the south edge of the Old Spanish Trail right-of-way. The proposed stealth monopalm provides concealment and reduces the visible impacts to the area. Staff also suggests the design include additional live palm trees surrounding the lease area and along the property where it fronts on Camino Seco to help visually buffer and mitigate views of the WCF from adjacent streets and residential uses. There are some desert trees and palm trees in the general area. These trees allow the monopalm to blend in when viewed from a distance. Any existing on-site palm tree, native tree, or landscape planting disturbed during the monopalm or ground equipment installation should be replaced.

The applicant proposes to place the monopalm in a 342 square foot lease area near the eastern edge of the parcel. Ground equipment will be housed inside a equipment shelter located on a concrete slab within a 612 square foot lease area near the northeast corner of the site. Staff recommends the proposed 8-foot, 6-inch tall masonry wall be painted and textured to match existing nearby development and surrounding architectural style.

In terms of wireless communication facilities, a stealth application is one that disguises the appearance of the pole and antennas to look like an element of the built or natural landscape, which could typically occur at the chosen location. A stealth application should be as close as possible in scale and appearance to the object it is disguised as, with no obvious unnatural elements. The success of a stealth application is dependent on the ability of the design and construction of the cellular site to fit into its surroundings to such a degree that it is not noticeable. Scale and proportion, site design, color, and materials, are particularly important in stealth applications insofar as they contribute, or do not contribute, to the ability of the facility to be as unobtrusive as possible. To ensure a successful stealth monopalm at this location, the following standards should be incorporated into the conditions:

- The monopalm shall not exceed 50 feet in height at top of fronds;
- The monopalm shall include crown;
- The pole shall be covered with cladding (bark) from the pineapple to bottom of pole, and painted to resemble a live palm;
- There shall be a minimum of 55 fronds ranging in length from seven (7) feet to ten (10) feet and placed to extend above, below and between antenna panels;
- Replacement of lost/damaged fronts to be completed within ten working days of observation and fronds shall be colored to match live fronds as closely as possible;
- All cables shall be run inside the pole, with no foot pegs or other visible appurtenances;
- All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels;
- Antenna panels shall be painted with a light/shade pattern to better camouflage them;
- Ground equipment to be screened by an existing masonry wall (provide elevation of street views).
- Maximum antenna size is ninety-eight (98) inches in length, twelve (12) inches in width, and eight (8) inches in depth,
- Any future collocated antennas shall be camouflaged and concealed by artificial dead frond skirt as shown on the PDP.

Road Improvements/Vehicular Access/Circulation – No road improvements are proposed with the project. Vehicular access to the wireless communications facility is from Camino Seco through an existing access drive and curb cut. The access easement shall be recorded and sequence number provided prior to, or at, permit submittal stage. According to the *Major Streets and Routes Plan*, Camino Seco is designated as an arterial street with a future right-of-way of 150 feet.

**Use-Specific Standards** – The applicant’s proposal requires approval as a Zoning Examiner Special Exception Procedure and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.O and 4.9.4.I.2, .3, and .6.a. The Zoning Examiner may forward the request to the Design Review Board for design review and recommendation. Use Specific Standards specified in the *Unified Development Code* Section 4.9.I.6.a include the following items (in *italics*). A response follows each Use Specific Standard:

1. *The antennas are mounted on a new tower and the tower and antennas are concealed or disguised, or the antennas are collocated on an existing structure.*

The new wireless facility is a disguised as a palm tree (a stealth monopalm).

2. *The tower and antennas are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.*

The proposed artificial palm is an effective method to mitigate visual impacts of the wireless facility on surrounding development. The associated ground equipment is to be located inside an walled area located 120 feet north of the proposed monopalm.

3. *The new tower is setback at least two times the height of the structure from the boundary of any property zoned residential or office.*

The 50-foot monopalm is located approximately 140 feet from the nearest residentially zoned property, and approximately 600 feet from the nearest office zoned property.

4. *The tower and antennas are fifty (50) feet or less in height.*

The proposal is for an artificial palm of fifty (50) feet in height to the top of fronds. Staff’s recommendation is that the overall height of the monopalm be no more than fifty (50) feet.

Staff finds the proposal to be in compliance with the *UDC* Use-Specific Standards.

**Conclusion** – The proposed stealth tower is in compliance with the performance criteria for a wireless communication facility. The Special Exception request is consistent with the policies and intent of *Plan Tucson* and the *Pantano East Area Plan*, considering the use of a stealth design, in this case a monopalm, that will limit the visual impact of the facility. Approval of the request is appropriate subject to the attached preliminary conditions.

### PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated August 18, 2016, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

### LAND USE COMPATABILITY / CONCEALMENT MEASURES

7. The wireless communication monopalm, including attachments such as antenna panels and palm fronds, shall not exceed fifty (50) feet in height from grade elevation.
8. The pole shall be covered with cladding (bark) from the faux dead fronds to bottom of pole, and painted to resemble a live palm.
9. The crown of the monopalm shall have a minimum of 55 fronds ranging in length from seven (7) feet to ten (10) feet and placed to extend above, below and between antenna panels.
10. Verizon shall routinely monitor the facility and repair/replace any artificial fronds that may become worn or damaged through time.
11. Replacement of lost/damaged fronds to be completed within sixty (60) working days of observation and fronds shall be colored to match live fronds as closely as possible.



12. All cables shall be run inside the pole, with no foot pegs or other visible appurtenances.
13. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopole.
14. Ground equipment to be located within lease area as depicted on the preliminary development plan dated August 18, 2016.
15. Ground equipment to be screened by an 8-foot 6-inch high masonry wall.
16. All walls visible from a public right-of-way and/or adjacent to existing residential development are to be graffiti-resistant. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
17. The screen wall and any paintable distribution system equipment shall be painted with neutral desert colors to match or blend with the existing structures. The paint on any equipment visible above the height of the screen wall, should be flat, non-reflective paint.
18. Plans for future carriers must be approved through the special exception process. Any antennas installed by future carriers shall be concealed/disguised by artificial dead frond skirt as depicted on Sheets A-4 and A-5 of the preliminary development plan dated August 18, 2016.
19. Four live palms shall be planted near the lease area to provide context to the monopalm as depicted on Sheet A-1 of the preliminary development plan dated August 18, 2016.
20. Any existing on-site palm tree, native tree, or landscape planting disturbed during the monopalm construction or ground equipment installation shall be replaced in accordance with the UDC and heat island mitigation.

AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(l).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case \_\_\_\_\_ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case \_\_\_\_\_.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.



The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner:

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

By: \_\_\_\_\_

(Signature of Owner or Authorized Representative, if applicable)

Its: \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

Its: \_\_\_\_\_

(Title of Individual Signing in Representative Capacity)

State of Arizona )

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

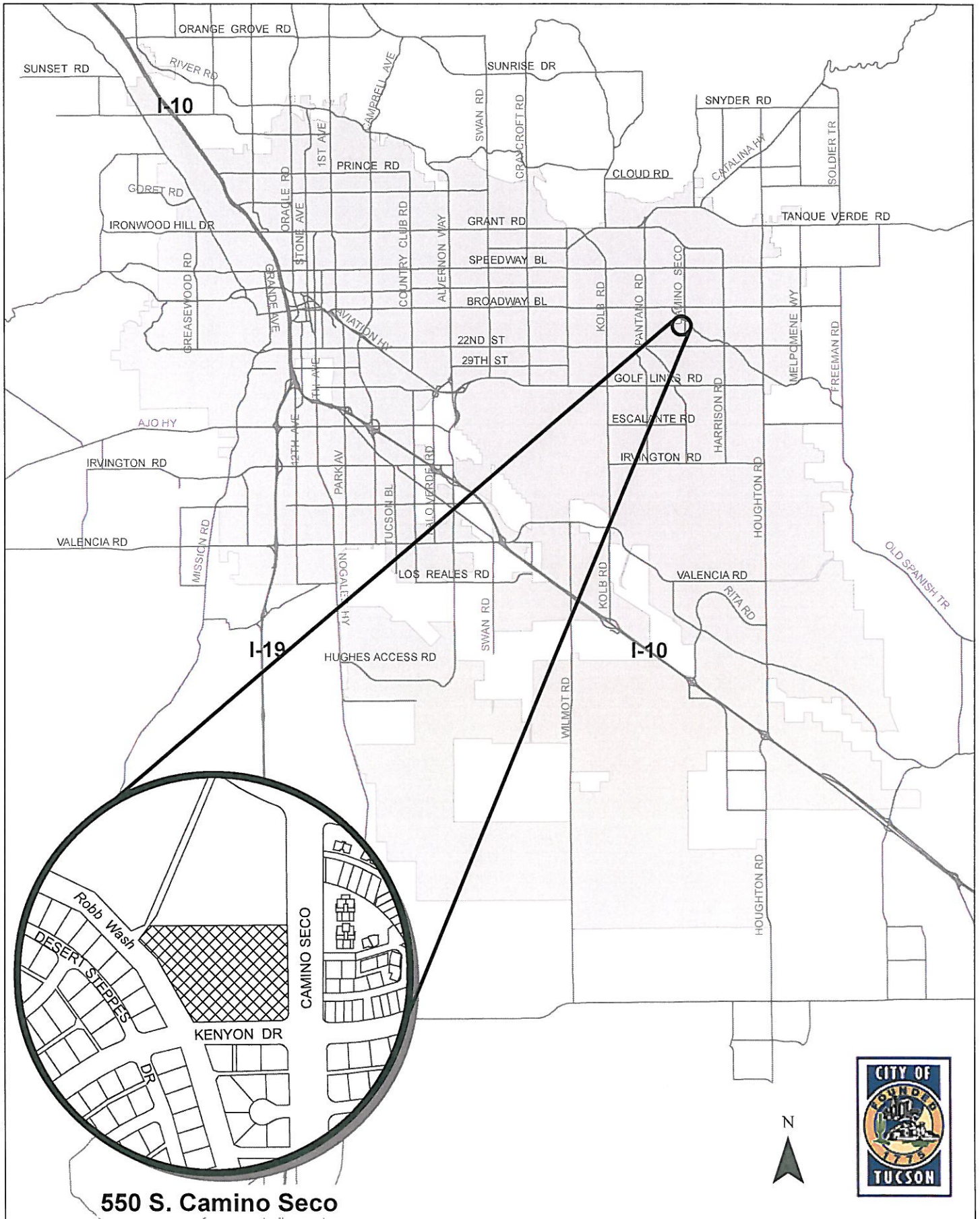
City of Tucson, an Arizona municipal Corporation:

By: \_\_\_\_\_

Planning & Development Services Department

This form has been approved by the City Attorney.

# SE-16-101 Verizon - Camino Seco

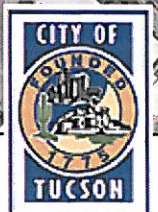






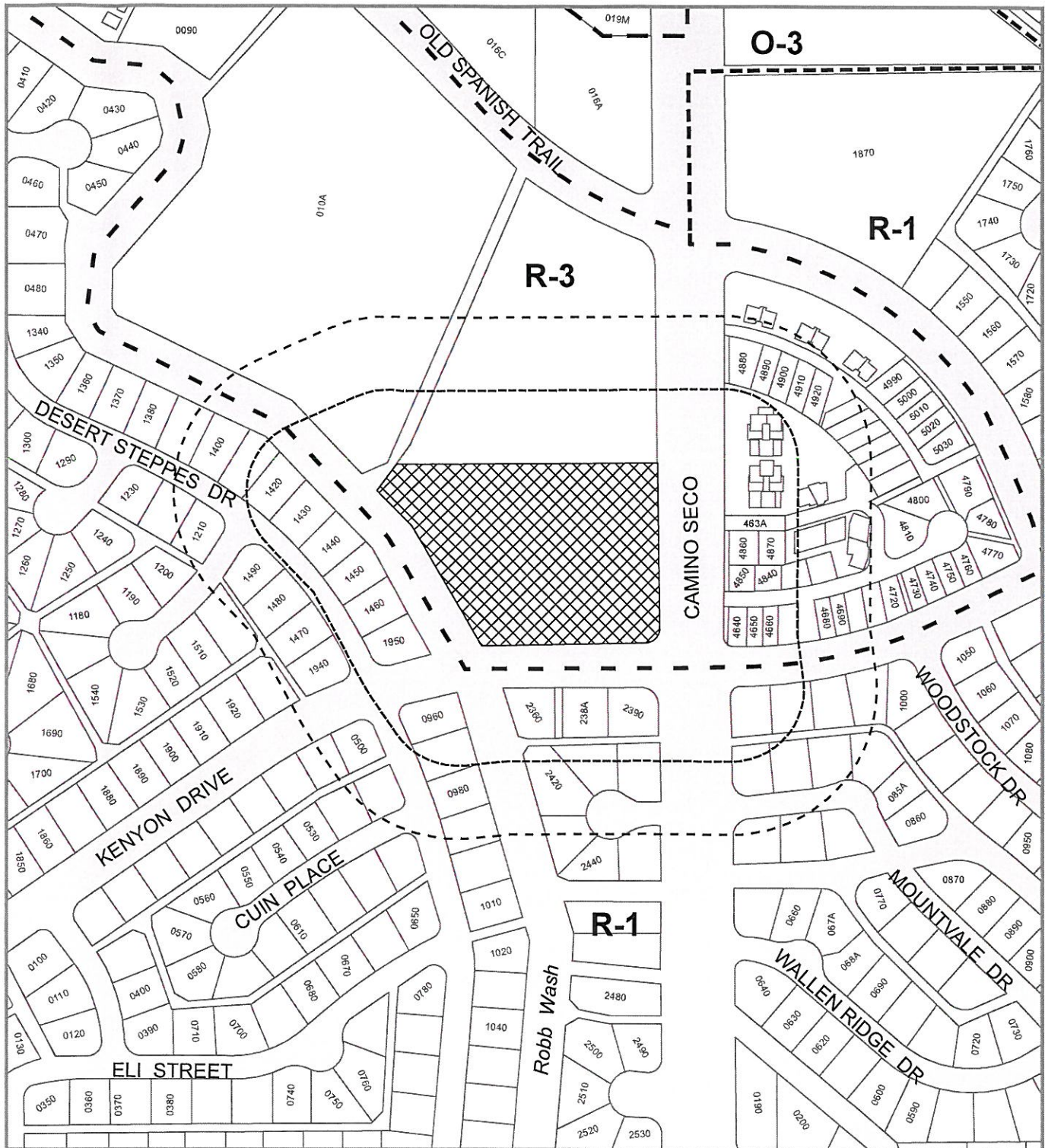
**SE-16-101 Verizon - Camino Seco**  
2015 Aerial

0 100 200  
Feet  
1 inch = 200 feet

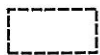




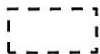
# SE-16-101 Verizon - Camino Seco Z.E. Special Exception



Area of Special Exception Request



150' Protest Area



300' Notification Area



Zone Boundaries



**R-3** Zoning of Requested Area



Address: 550 S. Camino Seco  
Base Maps: Sec.16 T.14 R.15  
Ward: 2

0 150 300  
Feet  
1 inch = 300 feet



created by: JR, 8/31/2016





**PUBLIC FACILITIES AND SERVICES REPORT FOR October 20, 2016**  
(as of September 30, 2016)

**SE-16-101 Verizon – Camino Seco, R-3 Zone**

**CITY AGENCIES**

**Planning & Development Services – Zoning Review:** See attached comments dated 9/6/16.  
**Planning & Development Services – Sign Code** See attached comments dated 9/19/16.  
**Planning & Development Services – Community Planning:** See attached comments dated 9/29/16.  
**Planning & Development Services – Landscape:** See attached comments dated 9/14/16.  
**Planning & Development Services – Engineering:** See attached comments dated 9/29/16.

**No Objections Noted**

**Office of Conservation & Sustainable Development**  
**Transportation – Engineering**  
**Transportation – Traffic Engineering**  
**Tucson Fire Department**  
**Community Services – Historic Preservation Officer**  
**Environmental Services**  
**Tucson Parks and Recreation**  
**Tucson Police Department**

**NON-CITY AGENCIES**

**PAG-TPD:** Estimated traffic generation of proposed development: Zero vehicle trips per month.

**No Objections Noted**

**Tucson Unified School District**  
**Pima County Wastewater**  
**Arizona Department of Transportation**  
**Pima County Transportation and Flood Control**  
**Pima County Parks and Recreation**  
**Davis-Monthan Air Force Base**  
**Tucson Electric Power**

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, October 5, 2016 at [http://cms3.tucsonaz.gov/planning/prog\\_proj/projects/rezoning/index.html](http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html)





## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

Case SE -16-101 Verizon – Camino Seco, R-3 Zone (Ward #2)

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.  
☐ PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_

SE-16-101

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**City of Tucson** PMc  
Planning & Development Services  
Department -Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

SE-16-101  
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED